

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

EDWARD GALLEGOS, as Personal
Representative of the Estate of MARY
DIANA MOE, Deceased,

Plaintiff,

vs.

BNSF RAILWAY COMPANY, a
Delaware corporation,

Defendant.

CV 22–68–M–DLC

ORDER

Before the Court is Defendant BNSF’s Motion to Stay Pending Appeal in Related Action or Alternative Motion to Change Venue Due to Media Coverage. (Doc. 120.) The jury trial in this matter is currently scheduled for May 6, 2024, with a final pretrial conference scheduled for May 2, 2024, at 2:30 p.m. (Doc. 98.) BNSF’s motion indicates that Plaintiff objects to the request to stay proceedings. (Doc. 121 at 1.) Plaintiff has not yet filed a response to BNSF’s motion. In light of the upcoming final pretrial conference and jury trial, expedited briefing is required.

Accordingly, IT IS ORDERED that Plaintiff shall file a response to BNSF’s motion on or before April 30, 2024. Plaintiff should focus its response on BNSF’s

proposal to stay proceedings and should address the following factors:

- (1) the possible damage which may result from the granting of the stay;
- (2) the hardship or inequity which a party may suffer in being required to go forward;
- (3) the orderly course of justice measured in terms of the simplifying of complicating of issues, proof, and questions of law which could be expected to result from a stay; and
- (4) whether proceedings in the Ninth Circuit will be concluded within a reasonable time in relation to the urgency of the claims presented to the Court in this matter.

DATED this 29th day of April, 2024.



Dana L. Christensen, District Judge
United States District Court